

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MARIA ALEJANDRA CELIMEN SAVINO,
JULIO CESAR MEDEIROS NEVES, and all
those similarly situated,

Petitioners-Plaintiffs,

v.

STEVEN J. SOUZA,

Respondent-Defendant.

Case No. 1:20-cv-10617 WGY

BRIEFING ON INDIVIDUAL APPLICATIONS FOR BAIL
MONDAY, APRIL 27, 2020

1. Amador Gallindo, Diego
2. Blanco, Bacilio
3. Delapaz, Gabri
4. Lopez-Gonzalez, Emmanuel
5. Cruz Soares, Geraldo

INTRODUCTION

Plaintiffs respectfully submit this briefing on the individual applications for bail that are scheduled for the Court's consideration on April 27, 2020.¹ Information that is common to a number of applications (*e.g.*, briefing on CDC high-risk medical conditions) has previously been filed with this Court, *see* ECF 52, 56, 65, 74, 78, 81, 84, 89, 92, 100, 104, 110, and is incorporated herein by reference. The individualized briefings that are attached hereto as Exhibits 1-5 refer to this information as it may be relevant to particular individuals, and also include the following information for each individual: a) Biographical Information; b) Medical Condition; c) Plans For Transportation/Lodging If Released; d) Criminal History; and e) Immigration History.²

COMMON ISSUES IN INDIVIDUALIZED BRIEFINGS

I. The COVID-19 Pandemic Continues to Escalate in Massachusetts.

	<u>COVID-19 Deaths (MA)</u>	<u>COVID-19 Cases (MA)</u> ³
<i>March 27, 2020 (Date of Complaint Filing)</i>	35	3240
<i>April 26, 2020</i>	2,899 (increase of 169 in last 24 hours)	54,938 (increase of 1,590 in last 24 hours)

¹ At the April 24, 2020 Status Conference, the Court added Geraldo Cruz Soares to today's list (#5). The Court also noted that on April 23, 2020, Plaintiffs had submitted the "more detailed request" on Mohamed Bassyouni that the Court allowed when it denied Mr. Bassyouni's application for bail without prejudice on April 2, 2020. *See* ECF 44 (denial without prejudice subject to resubmission of a more detailed request). The Court indicated that it would consider Mr. Bassyouni's resubmission with today's list. Plaintiffs' submission on Mr. Bassyouni can be found in their April 23, 2020 Briefing. *See* ECF 115, Ex. 10.

² As with previous filings, if the Court determines that there are certain records or additional evidence that is needed, or wishes the included material to be presented in a different format, Plaintiffs respectfully request that the Court so inform counsel, so that we may attempt to provide it to the Court expeditiously.

³ Source: <https://www.mass.gov/info-details/covid-19-cases-quarantine-and-monitoring>.

On April 23, 2020, it was reported that a sixth staff member of the Bristol County Sheriff's Office (a corrections officer) had tested positive for COVID-19.⁴ On April 24, 2020, it was reported that a seventh staff member (another corrections officer) had tested positive for COVID-19.⁵ In light of this growing number of positive cases among Bristol County staff, and the necessity of timely and accurate information during this pandemic, Plaintiffs appreciate that the Court has asked that Defendant provide regular ongoing reports of testing and testing results among both staff and detainees in BCHOC's immigration detention facility.

With this Briefing, the Parties have – by Plaintiffs' estimation – briefed all class members who are in civil immigration detention at BCHOC. *See* ECF 120, Plaintiffs' Notice of Supplemental Information and Authorities (April 24, 2020) (Plaintiffs' Spreadsheet of Current BCHOC Population). Plaintiffs ask that Defendants be requested to inform the Court and Plaintiffs if there are any additional such class members. For the reasons stated at the April 24, 2020 Status Conference, Plaintiffs believe that it is highly problematic for Defendants to admit new detainees, including by transfer from Bristol County criminal custody. To the extent that Defendants do so, Plaintiffs ask that they be requested to so inform the Court and Plaintiffs within 24 hours of any such new admission. *Cf.* ECF 109 (Defendants' Notice Of Additional Detainees).

Among those class members whose requests for bail are under advisement, approximately eighteen (18) have medical conditions, including asthma, diabetes, obesity, and heart disease, that put them at high risk of severe illness or death if they contract COVID-19.⁶

⁴ PATCH, *Coronavirus: 6th Bristol County Sheriff's Worker Tests Positive* (April 23, 2020), available at <https://patch.com/massachusetts/attleboro/coronavirus-6th-bristol-county-sheriffs-worker-tests-positive>.

⁵ WJAR, *Seventh Bristol County corrections officer tests positive for coronavirus* (April 24, 2020) available at <https://turnto10.com/news/local/seventh-bristol-county-corrections-officer-tests-positive-for-coronavirus>.

⁶ *See* CENTERS FOR DISEASE CONTROL AND PREVENTION, *Coronavirus Disease 2019 (COVID-19)*, available at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html> ("CDC COVID-19"); *see also* WORLD HEALTH ORGANIZATION, *Q&A on coronaviruses (COVID-19)*, available at

As this Court has recognized, however, “even perfectly healthy detainees are seriously threatened by COVID-19.” ECF 64, Memorandum and Order, at 22. Moreover, growing medical evidence indicates significant long-term effects from infection with COVID-19, even among those who avoid death.⁷ Class members continue to live in intense fear and anxiety, and are uniformly hopeful that the Court will continue to carefully and expeditiously rule upon individual applications for bail, as the Court deems appropriate.

PENDING ISSUES

Plaintiffs’ Motions for Leave To File Law Student Appearances, *see* ECF 70, 71, were filed on April 9, 2020 and are pending.

CONCLUSION

Plaintiffs submit that for the foregoing reasons, as well as the specific reasons laid out in the attached individualized briefings, this Court should grant the release of all of the individuals on the Court’s list for April 27, 2020.

April 27, 2020

Respectfully Submitted,
/s/ Oren Sellstrom
Oren Nimni (BBO #691821)
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<https://www.who.int/news-room/q-a-detail/q-a-coronaviruses>; Declaration of Allen S. Keller, MD, ECF No. 12-2 ¶¶ 25-29.

⁷ *See, e.g.,* BOSTON GLOBE, *Healthy people in their 30s and 40s, barely sick with coronavirus, are dying from strokes* (April 24, 2020), available at <https://www.bostonglobe.com/2020/04/25/nation/healthy-people-their-30s-40s-barely-sick-with-coronavirus-are-dying-strokes/> (“Once thought to be a pathogen that primarily attacks the lungs, it has turned out to be a much more formidable foe – affecting nearly every major organ system in the body.”)

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CERTIFICATE OF SERVICE

I hereby certify that, on April 27, 2020 a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of this court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

Date: April 27, 2020

/s/ Oren Sellstrom
Oren Sellstrom (BBO #569045)

[§] *pro hac vice*.

* Motion for law student appearances pending.